



United States District Court

Northern District of Alabama

Notice of Orders or Judgments

Fed. R. Civ. P. 77 (d)

09/21/98

Date: Richard P Stitt
SPENCER FANE-BRITT & BROWNE LLP
1000 Walnut Street
Kansas City, MO 64106
To:

1:98-cv-00596

27

Re: Case Number:

Instrument Number:

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FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

U.S. DISTRICT COURT
N.D. OF ALABAMA

RICHARD P. METTKE,

Plaintiff,

vs.

Civil Action No. 98-PT-0596-E

TOUCHNET INFORMATION
SYSTEMS, INC.,

Defendant.

ENTERED

SEP 21 1998

ORDER

The Court, having conferred with all Parties in this matter by telephone on Friday September 11, 1998, and having considered Plaintiff's Motion to Dismiss Patent Infringement Claim With Prejudice and the supporting memoranda of the Parties, finds that Plaintiff's Motion to Dismiss Patent Infringement Claim With Prejudice should be GRANTED consistent with the following agreed conditions between the parties for dismissal:

1. Plaintiff agrees it will not, from the date of this ORDER forward, assert United States Patent No. 5,602,905 against defendant TouchNet Information Systems, Inc., its customers, licensees or assigns;
2. Plaintiff agrees to dismiss, with prejudice, its Complaint for Patent Infringement against TouchNet Information Systems, Inc.; and
3. Defendant agrees to dismiss its Counterclaim for Invalidity of United States Patent No. 5,602,905.

Further, in view of the above agreement between the Parties to dismiss the Complaint and Counterclaim in this matter, Plaintiff's Motion to Stay is now MOOT.

It is therefore, ORDERED, ADJUDGED, and DECREED that Plaintiff's claim of patent infringement against Defendant is dismissed with prejudice, and Defendant's Counterclaim for Patent Invalidity against Plaintiff is dismissed.


DONE and ORDERED this 18TH day of September, 1998.


ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE

AGREED TO AS TO BOTH FORM AND CONTENT:

TOUCHNET INFORMATION
SYSTEMS, INC.,


By its Counsel:


SPENCER FANE BRITT & BROWNE LLP
Richard P. Stitt, KS #14268
Douglas M. Weems, MO #41165
1400 Commerce Bank Building
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Birmingham, AL 35203-3204

RICHARD P. METTKE

By his Counsel:


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September 15, 1998

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VIA HAND DELIVERY

Honorable Robert B. Propst
United States District Court Judge
Hugo Black Courthouse
1729 Fifth Avenue North
Birmingham AL 35203

RE: **Mettke v. Touchnet Information Systems, Inc.**
Case Number 98-PT-0596-E

Dear Judge Propst:

Pursuant to Your Honor's instructions, enclosed please find a proposed Order dismissing, with prejudice, the plaintiff's Complaint for Patent Infringement and the defendant's counterclaim. This Order has been approved by both parties and executed by counsel. If you have any questions concerning this Order, please do not hesitate to contact me.

Thank you for your efforts to resolve this matter.

Respectfully submitted,

Stephanie

Stephanie Keller Womack

SKW/mg

enclosures

cc: Edward W. Goldstein, Esq.
Richard P. Stitt, Esq.

TOBOR & GOLDSTEIN

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September 14, 1998

Via Federal Express

Stephanie Keller Womack
Lightfoot, Franklin & White, LLC
300 Financial Center
505 20th Street North
Birmingham, Alabama 35203

Re: *Richard P. Mettke v. Touchnet Information Systems, Inc.*, CV 98-PT-596-E

Dear Stephanie:

Enclosed for filing is the Order which will dismiss the present law suit between Mr. Mettke and TouchNet Information Systems.

Please send us a file stamped copy of this document after filing for our files.

Thank you for your assistance and if you have any questions, please do not hesitate to call.

Very truly yours,

TOBOR & GOLDSTEIN, L.L.P.



Delores D. Malone
Legal Assistant

/dm
Enclosures

ENCLOSURE 6163881002\LR\08WOMACK.DM